



**South Florida Water Management District
Regulatory Peer Review Forum
August 1, 2003
10am-noon**

SUMMARY

Attendees:

Jay Foy	Stormwater J Engineering, Inc.
Karen Brandon	LBFH, Inc.
Craig Kidwell	QORE Property Sciences
Ron Kaufmann	QORE Property Sciences
Tracy Robb	North Palm Beach Improvement District
Alan Wertepny	Mock Roos & Associates
Bill Keith	Keith & Associates
Gerry Ward	Ward Engineering
L. Van Cott	Southern Design Group
Jerry David	Lake Worth Drainage District
Amie Goddeau	FDOT
Suelynn Dignard	SFWMD - Coastal Ecosystems Division
Tony Waterhouse	SFWMD - Surface Water Management Division
Anita Bain	SFWMD – Environmental Resource Compliance Division
Rob Robbins	SFWMD – Natural Resource Management Division
Beth Colavecchio	SFWMD - Regulatory Information Management Division
Anne Roth	SFWMD - Regulatory Information Management Division
Ralph Fanson	SFWMD - Environmental Resource Regulation Staff

1. Opening remarks and review of previous meeting minutes (Tony Waterhouse)

Mr. Waterhouse convened the meeting at 10:10am. Mr. Fanson said that the name of Ken Todd was inadvertently omitted from the attendees' list in the previous meeting minutes. Mr. Foy noted that, on page 5, in the final paragraph of Topic 8, the term "larger ones" should be "Redi-Maps".

2. C-51 Basin Study Update (S. Dignard)

Ms. Dignard reported that the District received draft Deliverable Number 2 on June 16, as reported during the last Peer Review Forum meeting. After a short review period, those who received the deliverable suggested revisions during a follow-up meeting.

Just this morning, Ms. Dignard received the revised draft deliverable. That deliverable will be distributed later today for review. She will schedule a meeting for late in the week of August 11, to discuss comments on this deliverable.

Work on Deliverable Number 3 has begun. It is proceeding slightly behind schedule, but Ms. Dignard hopes to receive it no more than a month after the scheduled date. The Group discussed review of the original draft of Deliverable Number 2 and how those reviewing the document had dealt with the comments.

Mr. VanCott asked how the new criteria would be implemented. Mr. Waterhouse said he expected the District would launch into rule development and rulemaking soon. Mr. Ward felt that was a good way to proceed. There was a general discussion of when the rule might go into effect – both as to a calendar date and as to the rule-making schedule. There was also discussion of how permit applications being processed when the new criteria became effective would be treated.

3. Off-Site Flood Plain Compensation (L. VanCott and T. Robb)

Mr. VanCott's firm felt that the on-going studies of the C-51 Basin and the C-17 Basin would cause future projects to be impacted by new flood plain compensation criteria. Two questions result:

- 1) How would the District phase in the criteria?
- 2) Particularly in the C-17 Basin, how could a developer work with another landowner to provide off-site compensating storage?

In answering the second question, Mr. Waterhouse said that it would be necessary to record an easement for the storage, the storage would have to be created, and certification of both the developed site and the storage would have to occur.

There was general discussion of how to confirm the true existence of proposed storage. District staff explained that they are used to handling such cases. There was general discussion of how to design, review, and implement such an approach, both in general and for specific projects.

In response to a question, Mr. Waterhouse said that the District presently has no plans for other formal basin studies, due at least in part to budgetary constraints. The Group discussed the history of the C-17 Basin Study, the related FEMA maps, and associated activities. There is no plan to initiate any rule criteria for the C-17 Basin. The study currently being conducted should result in additional technical information that can be used for future project design.

4. Exfiltration Trench Design (L. VanCott and T. Robb)

Mr. VanCott's firm develops designs for many small commercial sites, which, even though they are no-notice, must still meet District criteria. Municipalities prefer that sites do not use open areas for surface water management, and strongly emphasize the use of trench. Previously, the District approved using trench for stormwater attenuation.

The firm could not find in the District criteria the requirement for the invert of the exfiltration trench pipe to be above the water table. A recent e-mail to Mr. Waterhouse on the general subject did not include these specific questions: Can the invert be placed below the water table for storm attenuation? Is there any flexibility during review?

Mr. Waterhouse explained that there *must* be an effective water quality treatment process, and that providing untreated polluted runoff direct access to the water table was not an effective treatment system. He said he would look further at this issue. There were general discussions of trench design methods and of why municipalities dislike depressed areas.

5. De Minimis Reconstruction (J. Foy)

Mr. Foy introduced Mr. David from Lake Worth Drainage District (LWDD), who was "sitting in" for Patrick Martin.

Mr. Foy distributed copies of his July 23 memo, and discussed the major elements (see Attachment 1 - De Minimis Redevelopment No Notice Permit). He considers the items presented in the memo to be only a starting point, and as a way to encourage eastern redevelopment.

Mr. Waterhouse reported that Terrie Bates will bring this issue to an up-coming meeting with representatives from FDEP and the other water management districts. There was a discussion of the present regulatory philosophies, which could be summarized as "Provide treatment for the part(s) being torn up and replaced, which should be treated as a new project."

Mr. David said that Bill Winters has decided that LWDD will no longer issue "no significant impact" letters. The agency will want to see an engineer certification that discharge won't be increased. Mr. David recommended that interested and affected people discuss the subject with Mr. Winters.

Mr. Waterhouse felt the points raised in Mr. Foy's memo were good. There was a general discussion of the circumstances in which such a permit might be issued and the items which might have to be provided. Mr. VanCott was of the opinion that the

number of required items was too large. He advocated holding the consultants as the responsible entity, with essentially no agency review. Mr. Wertepny felt that the suggested fee of \$100 was inadequate to cover the costs of tracking such things.

Mr. David announced that new fees will be proposed at the August meeting of the LWDD Governing Board. At that time, the LWDD Board will establish an effective date for any adopted fee changes.

6. Permit Fee Schedule (J. Foy)

Ms. Colavecchio distributed copies of the revised fee schedule, slated to go into effect on August 14 (see Attachment 2 – Permit Application Fee Schedule [revised 8/14/03]). Mr. Foy asked what types of activities might qualify for the \$3,500 New Operation Permit. District staff explained that this category was primarily for agricultural projects built years ago, not permitted, but now in need of a permit for an unchanging system.

Mr. Foy suggested that a new category of both ERP Individual Modification Agriculture and ERP Individual Modification all others, except Agriculture, be created, with a fee of \$500: Project area less than 10 acres.

Mr. Foy inquired about the permit category Single Family Residential Homesite (10 acres or less total land area). District staff explained that, while this category remained on the District's fee schedule as part of the state-wide standardized fee category schedule, this type of permit was typically issued by FDEP.

7. Peer Review Group meeting schedule and minutes on the web (J. Foy)

Mr. Foy felt placing the items on the District web site would be good to do. Mr. Fanson reported that the web site designer who would be responsible was presently on vacation. Once she returned, the District would take up the project. There didn't seem to be any reasons why the items shouldn't appear. The Group discussed the value of this heightened publicity.

8. Water Quality Report by Harvey Harper, Ph.D. – general discussion

Carla Palmer, Director of the District's Lower West Coast Service Center in Fort Myers, made the initial presentation by teleconference. The federal Corps of Engineers (COE) and Environmental Protection Agency (EPA) have agreed to accept projects designed based on water quality methodologies set forth in Dr. Harper's report. There will be a workshop in Fort Myers on August 22 to explain how this will affect applicants for federal permits.

The SFWMD is also involved: Terrie Bates has authorized District staff to review water quality calculations based on the report, and to approve the calculations if they are correct. The 10-12 applications the Fort Myers staff have seen so far have all met District criteria and have not required the setting aside of more land.

A recurring misconception is that cascading lakes can be combined and treated as one large lake. This leads to incorrectly-computed detention times.

The August 22 session will be at the Holiday Inn Riverwalk in Fort Myers. The details of sessions planned for consultants in September and October will be announced. Also planned is a session for other interested or affected persons who are not consultants. Those who register for the consultants sessions will receive in advance a CD and text which contain explanations of the methodology. Attendees will be expected to have studied the materials before coming to the training sessions. The AWRA will certify points towards PE license renewal.

The training is not mandatory, the District does not require the calculations, but the COE will. A notice about the course will probably be sent to all AWRA members (see Attachment 3 – Notice of August 22 Training).

There was discussion of the methodology details. Mr. Foy had a major concern about the correctness of simply multiplying any volume of run-off by a set pollutant concentration which was unvarying, regardless of the size of the run-off volume. Ms. Palmer responded that what was being computed was an annual average. She invited Group members to attend a training session.

Mr. Foy felt that what was being proposed was incipient policy. Also, he disagreed with the methodology. Ms. Palmer pointed out that this approach is not a requirement of SFWMD permitting, and that FDEP will look very carefully at how such an approach might be implemented state-wide.

After Ms. Palmer's presentation, several Group members requested copies of Dr. Harper's report. Ms. Robb will provide both Mr. VanCott and Mr. Wertepny with a copy. The District will mail a copy to Mr. Ward and a copy to Mr. Kaufman and Mr. Kidwell.

Mr. Waterhouse provided some history. This approach began on Florida's lower west coast, because the COE, in response to criticisms of allowing piecemeal destruction of wetlands, conducted an Environmental Impacts Study of the region. The EPA concluded that the District's water quality criteria were insufficient for nitrogen removal, and began objecting to the COE's issuance of 404 permits based on the District's State Water Quality Certification. A local group of affected parties hired Dr.

Harper's firm to recommend ways to satisfy EPA's objections. The report methodologies are the result.

Mr. Foy felt there were two factors missing in the report: the depth of the proposed wet system, and the presence or absence of littoral zones as a separate category. He sent a letter to Terrie Bates, in which he discussed these issues. Mr. Waterhouse pointed out that, while there is coverage in the report of what to plant, there is no discussion of wetlands. Residence time, which is influenced by depth, *is* a factor.

Mr. Foy noted that the calculations were based on an average annual amount. Mr. Waterhouse added that the numbers were based on research done over the last 20 or so years. Mr. Foy observed that dry systems receive no credit. Mr. Waterhouse said EPA's position means the State Water Policy is wrong, and the FDEP has asked, if that is true, what does the state do? COE has problems applying criteria to a small area, and has the philosophy that if something is a problem in one region, the problem must exist in neighboring regions.

Mr. Waterhouse had no information about any schedule for implementing Dr. Harper's methodologies state-wide. He might know more after meeting during the week of August 4 with the COE and others. This could tie into a state-wide rulemaking to standardize water quality criteria – a Phase 2 of what started with wetlands criteria in the mid-1990's. Mr. Ward felt Dr. Harper's report could not be used state-wide. There was a general discussion of the efficiency of dry systems.

9. Next Meeting date / topics / adjournment

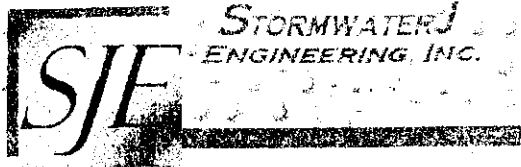
The next meeting is scheduled for Friday, October 3, at 10am, in the Rogers Conference Room.

The meeting adjourned at 12:10pm.

- c: H. Dean - Executive Director
 C. Wehle - Assistant Executive Director
 S. Wood - District General Counsel
 C. Merriam - Deputy Executive Director - Water Resources
 A. Sewell - Media and Community Relations
 T. Bates - Director - ERR
 Environmental Resource Regulation Division Directors

ATTACHMENT 1

De Minimis Redevelopment No Notice Permit



1489 N Military Trail, Suite 217
West Palm Beach, FL 33409
stormwaterj@bellsouth.net

(561) 242-0028
Fax 242-0109

Memo

To: SFWMD Regulatory Peer Review Forum
From: Jay G. Foy, P.E.
Date: 7/23/2003
Re: Outline, SJE Project # 97030

A handwritten signature in black ink, appearing to read 'Jay G. Foy', is written over the 'From' and 'Date' lines of the memo header.

The following outline was prepared by Jay G. Foy, P.E. in collaboration with Kenneth S. Todd, Jr., P.E. This item will be discussed at the August 1, 2003 peer group meeting.

Diminimis Redevelopment No Notice Permit:

Criteria:

1. The project must be 10 Acres or less.
2. The land use must be residential or commercial retail that does not or can not in the future by zoning generate hazardous materials.
3. The project must not increase the total impervious area (dedicated water management areas are not considered part of impervious area for this criterion). Buildings are to be included in the impervious area.
4. The project must increase water quality treatment by 10% over the original design (up to a maximum of current criteria) or to at least 1" times the percent of impervious area (again water management areas excluded) of runoff, whichever is greater.
5. The peak offsite discharge must be equal to or less than the original design. However, direct discharges to tidal waters must meet current discharge rate limitations.
6. There are no wetlands on-site.

Submittal Requirements:

1. Notification Fee: \$100.00.
2. Project location map.
3. Current aerial with project boundaries depicted.
4. Written description of existing facilities and proposed project with percent impervious for both.

5. Signed and Sealed letter from registered engineer in the State of Florida that certifies this redevelopment project meets the conditions of a "Diminimis Redevelopment No Notice Permit" and furthermore the plans, specifications and calculations that demonstrate said criteria are met will be kept on file at the engineers office for a period not less than 5 years from the date of notification.

SFWMD Response:

1. The SFWMD will respond in writing within 30 days with a letter of concurrence or a notification that the submitted project does not meet criteria and will need a different permit as cited in their response.

Distribution List

Pat Martin
Howard Searcy
Ken Todd
Terrie Bates
Tony Waterhouse
Tracy Robb
Laurent Van Cott
Alan Wertepny
Ralph Fanson
Gerry Ward
Bob Higgins
Tom McCarthy

ATTACHMENT 2

Permit Application Fee Schedule (Revised 8/14/03)

PERMIT APPLICATION FEE SCHEDULE

(Revised 8/14/03)

Environmental Resource Permits (includes grandfathered SWM Permits)

New Individual Agriculture	
Project area < 100 acres	\$ 3,050
Project area 100 acres to < 640 acres	\$ 4,000
Project area > = 640 acres	\$ 5,000
New Individual all others, except Agriculture	
Project area < 100 acres	\$ 5,000
Project area 100 acres to < 640 acres	\$ 7,500
Project area > = 640 acres	\$ 10,000
New Individual Operation Permit	\$ 3,500
Individual Modification Agriculture	
Project area < 100 acres	\$ 2,050
Project area 100 acres to < 640 acres	\$ 2,500
Project area > = 640 acres	\$ 3,500
Individual Modification all others, except Agriculture	
Project area < 100 acres	\$ 3,500
Project area 100 acres to < 640 acres	\$ 5,000
Project area > = 640 acres	\$ 7,500
New Standard General Permit (excluding incidental site activities)	
Agriculture	\$ 650
All others, except Agriculture	\$ 2,000
Standard General Permit Modification (excluding incidental site activities)	
Agriculture	\$ 500
All others, except Agriculture	\$ 1,000
Standard General Permit for Incidental Site Activities (Early Work)	\$ 500
Noticed General Permit (including Aquaculture)	\$ 100
Single Family Residential Homesite (< = 10 acres total land area)	\$ 100
Transfer of Permit (ownership)	\$ 450
Letter Modification Requests	\$ 100
Individual or Standard General Permit (solely for environmental restoration or enhancement activities, not mitigation)	\$ 100
New Individual Mitigation Bank	
Project area < 100 acres	\$ 5,000
Project area 100 acres to < 640 acres	\$ 7,500
Project area > = 640 acres	\$ 10,000

Individual Modification Mitigation Bank	
Project area < 100 acres	\$ 3,500
Project area 100 acres to < 640 acres	\$ 5,000
Project area > = 640 acres	\$ 7,500
Transfer of Permit (ownership)	\$ 450
Variance (associated w/ERP application)	
From Rule 40E-4.301(1)(e), F.A.C.	\$ 100
From other permitting standards or conditions.....	\$ 500
Formal Determination of Wetlands and Other Surface Waters	
Property < = 1 acre	\$ 250
Property > 1 acre but < = 10 acres	\$ 550
Property > 10 acres but < = 40 acres	\$ 750
Property > 40 acres but < = 120 acres	\$ 1,500
Property > 120 acres	\$ 1,500
(plus \$200 for each additional 100 acres or portion thereof)	
Formal Wetland Determination Renewal.....	\$ 250
Proprietary Authorization (SLERP)(under Chapters 253 and 258, F.S.)	
Consent of Use	No Fee
Lease	\$ 200
Easement (public and private)	\$ 200

Water Use Permits

Individual Public Water Supply (< 20 years)	
Max month allocation > 15 MGM < = 30 MGM	\$ 2,700
Max month allocation > 30 MGM < = 300 MGM	\$ 5,500
Max month allocation > 300 MGM	\$ 7,000
Individual Public Water Supply With a Duration of 20 Years	
Max month allocation > 15 MGM < = 30 MGM	\$ 4,200
Max month allocation > 30 MGM < = 300 MGM	\$ 8,500
Max month allocation > 300 MGM	\$11,500
Individual Irrigation (< 20 years)	\$ 1,000
Individual Irrigation With a Duration of 20 Years	
Max month allocation > 15 MGM < = 30 MGM	\$ 1,600
Max month allocation > 30 MGM < = 300 MGM	\$ 3,400
Max month allocation > 300 MGM	\$ 5,600
Individual Mining (Dewatering)	
Max month allocation > 15 MGM < = 30 MGM	\$ 1,800
Max month allocation > 30 MGM < = 300 MGM	\$ 3,250
Max month allocation > 300 MGM	\$ 4,000

Individual Industrial (< 20 years)	
Max month allocation > 15 MGM <= 30 MGM	\$ 1,400
Max month allocation > 30 MGM <= 300 MGM	\$ 2,750
Max month allocation > 300 MGM	\$ 3,500
Individual Industrial With a Duration of 20 Years	
Max month allocation > 15 MGM <= 30 MGM	\$ 2,000
Max month allocation > 30 MGM <= 300 MGM	\$ 3,650
Max month allocation > 300 MGM	\$ 5,600
Individual Diversion and Impoundment (< 20 years)	
Max month allocation > 15 MGM <= 30 MGM	\$ 1,400
Max month allocation > 30 MGM <= 300 MGM	\$ 2,750
Max month allocation > 300 MGM	\$ 3,500
Individual Diversion and Impoundment With a Duration of 20 Years	
Max month allocation > 15 MGM <= 30 MGM	\$ 2,000
Max month allocation > 30 MGM <= 300 MGM	\$ 3,950
Max month allocation > 300 MGM	\$ 6,200
Independent Secondary User of a Diversion and Impoundment With a Duration of 20 Years	
Max month allocation > 15 MGM <= 30 MGM	\$ 1,000
Max month allocation > 30 MGM <= 300 MGM	\$ 2,000
Max month allocation > 300 MGM	\$ 3,200
General Standard Water Use Permit	
Max month allocation < 3 MGM (Minor)	\$ 350
Max month allocation > 3 MGM <= 15 MGM (Major)	\$ 1,000
Short-term Dewatering	\$ 500
Aquifer Storage and Recovery (cost added to the applicable use type listed above)...	\$ 1,000
Well Construction	\$ 100
Permit Transfer (ownership)	\$ 300
Letter Modification Request (Individual Permit)	No Fee
Letter Modification Request (General Permit)	No Fee

Lake Okeechobee Drainage Basin Works of the District Permits

Individual Permit	\$ 150
Notice of Intent for a General Permit	\$ 100

Everglades Agricultural Area (EAA) Basin Works of the District Permits

Individual EAA Permit

New Individual Permit	\$ 1,880
(plus \$1.50/acre for each acre over 320 acres, maximum fee \$30,000)	
Renewal Individual Permit (with or without modifications)	\$ 1,560
(plus \$0.25/acre for each acre over 320 acres, maximum fee \$5,000)	
Modification of an existing Individual Permit.....	\$ 1,880
Letter Modification of an existing Individual Permit.....	\$ 500
Admin Info Update to an existing Individual Permit	No Fee
Transfer (ownership) of an existing Individual Permit.....	\$ 200

Master EAA Permit

New Master Permit.....	\$ 1,880
(plus \$1.50/acre for each acre over 320 acres, maximum fee \$750,000)	
Renewal Master Permit (with or without modifications)	\$ 1,680
(plus \$0.25/acre for each acre over 320 acres, maximum fee \$150,000)	
Modification of an existing Master Permit	\$ 1,880
Letter Modification of an existing Master Permit	\$ 500
Admin Info Update to an existing Master Permit.....	No Fee
Transfer (ownership) of an existing Master Permit	\$ 500

C-139 Basin Works of the District Permits

Individual C-139 Basin Permit

New Individual Permit	\$ 1,880
Renewal Individual Permit.....	\$ 1,880
Modification of an existing Individual Permit.....	\$ 500
Transfer (ownership) of an existing Individual Permit.....	\$ 100

General C-139 Basin Permit

New Individual Permit	\$ 250
Renewal Individual Permit.....	\$ 250
Modification of an existing Individual Permit.....	\$ 100
Transfer (ownership) of an existing Individual Permit.....	\$ 100

Wetland Resource (Dredge and Fill) Projects Qualifying for Grandfathering Pursuant to Section 373.414, F.S.

Standard Form (up through 5 years w/10 or more jurisdictional acres)	\$ 4,000
Short Form (up through 5 years w/less than 10 jurisdictional acres)	\$ 500

Short Form Construction Involving New Docking or Boardwalk Facilities	
3-9 New Boat Slips.....	\$ 500
0-2 New Boat Slips.....	\$ 300
Short Form (from and including 6 years through and including 10 years)	\$ 3,000
Standard Form (for 6 years)	\$ 6,000
(plus \$1000 for each year beyond 6 years, up through and including 25 years and a corresponding fee of \$25,000)	
Variance (associated w/Dredge and Fill application)	
from prohibition of Section 62-312.080(7), F.A.C.	\$ 100
from other standards or conditions	\$ 500
General Permit.....	\$ 100
Transfer of permits or time extensions.....	\$ 50
Minor technical changes	
Existing permit fee less than \$300.....	\$ 50
Existing permit fee equal to or more than \$300	\$ 250

NOTE: "Agriculture" means the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

ATTACHMENT 3

Notice of August 22 Training

DRAFT

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DRAFT

WHO: Environmental Protection Agency, Florida Department of Environment, South Florida Water Management District, American Water Resources Association and Water Enhancement & Restoration Coalition

WHAT: **WATER QUALITY TRAINING SESSION**
A daylong intensive water quality training session for the consulting and agency / regulatory communities on a new EPA-accepted methodology for calculation pre / post stormwater treatment systems

PDHs will be awarded to professional engineers

WHEN: Friday, August 22, 2003
8 a.m. to 4 p.m. (7:30 a.m. registration)

WHERE: Holiday Inn Riverwalk Hotel & Marina
2220 West First Street
Fort Myers

THE DETAILS: \$75 per person, if registered by August 15
\$90 per person, after August 15
Includes lunch, all conference materials and PDHs for engineers
Seating is limited

To register or for more information, contact Sharon Arnold at (239) 275-5758 or sarnold@gravinasmith.com.

For those unable to attend on August 22, we are repeating the session in September in Naples (date TBD), October in Clewiston (date TBD), and November 20 at FGCU in conjunction with AWRA's Water Resources Conference.

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